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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/633,579 Confirmation No. : 5435
Applicant : Matthias GERLACH, et al.
Filed : August 5, 2003
TC/A.U. : 1625
Examiner : Binta Robinson
Docket No. : 029310.51098D1
Customer No. : 23911
Title : Bicyclic Imidazo-5-Yl-Amine Derivatives

LETTER TO COMMISSIONER

Attention: Mail Stop Amendment

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a reply to the Official Action mailed May 18, 2004 in the above-identified application.

It is noted that the Office Action fails to set a shortened statutory period for response. Accordingly, the full six month term allowed under 37 C.F.R. Section 1.134 is applicable.

All rejections in the application are directed to claims 1-18. However, claims 1-18 were cancelled by Preliminary Amendment submitted concurrently with this Divisional Application request on August 5, 2003 and replaced by new claims 19-36. Accordingly, all of the rejections in the Office Action are moot, since they pertain only to claims which have already been cancelled. Applicants therefore respectfully request withdrawal of the Office Action mailed May 18, 2004 and examination of pending claims 19-36 on the merits.

Moreover, to avoid confusion, applicants wish to point out that the subject matter of pending claims 19-36 is distinct from the subject matter claimed in the claims of US Patent 6,657,064, which issued on the parent application serial number 10/117,335. In the claims of the parent patent, X denotes S, whereas in the claims of the instant pending application, X denotes CR⁵ or N.

Favorable action on the application is earnestly solicited.

Respectfully submitted,



J. D. Evans

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for

July 20, 2004

JDE/sjm

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